

# BECOMING A PARENT:

## A GUIDE TO MATERNITY/ PARENTAL LEAVE AND BENEFITS IN CANADA



Canadian  
Advisory Council  
on the Status of Women

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## MOST PARENTS NEED TIME OFF WORK

Most women who will have children are now in the paid work force and most return to the work force before their children reach the age of three.

Sharing of family responsibilities is essential if women are to achieve equality in the workplace and in society. Legislation must make it possible for fathers to be involved in the care and nurturing of their children.

In most two-parent families with very young children, both parents now work outside the home. In lone-parent families with pre-school children, many parents are also in the paid work force. The statistics speak for themselves.<sup>1</sup>

More than 74% of all women between the ages of 20 and 44 are in the paid work force.

Of all married women in the main childbearing years — ages 20 to 44 — 72% work outside their homes.

In two-parent families with children under age three where fathers are employed, 60% of mothers also work outside the home.

In families with children under age three where no husband is present, 42% of mothers are employed outside the home.

## WHAT KIND OF LEAVE IS NEEDED?

Parents with young children need different kinds of leave.

MATERNITY LEAVE is granted to the mother so that she can take time off work to give birth and to recuperate.

PATERNITY LEAVE may be given to the father to allow him to be present at the birth and perhaps for a brief period afterwards.

PARENTAL LEAVE is an extended period of leave following maternity leave, available to either parent, to allow for infant care and bonding with the newborn child.

ADOPTION LEAVE may be given to parents when they adopt a child so that they can bond with the child and adjust to the presence of a new family member.

LEAVE FOR FAMILY RESPONSIBILITIES may be given to either parent, so that they may take a few days off if a child or the child's usual caregiver is ill, or if they must deal with family emergencies, such as taking a child to the doctor, or appointments with the child's teacher or child care centre.

## THERE OUGHT TO BE A LAW...

Wherever you live (unless it's in the Northwest Territories), the law gives you the right to take time off to have a baby. It doesn't give you the right to be paid while you're off work. But you can claim maternity benefits through the Unemployment Insurance (UI) program.

Qualifying for maternity LEAVE and qualifying for maternity BENEFITS are two completely separate procedures. For instance, you can qualify for UI maternity benefits if you've worked for 20 weeks in the last year. But you may not be able to qualify for time off unless you've worked for 12 months for the same employer.

You may qualify for adoption benefits under the UI program, but — depending on where you live — you may have no legal right to take adoption leave.

## YOU CAN MAKE YOUR OWN ARRANGEMENTS

Regardless of what the law says about your right to leave or your right to benefits, you may still be entitled to different types of maternity or parental leave, with or without pay.

Some trade unions, for instance, have negotiated collective agreements with employers providing for parental leave and benefits that are better than those specified in the law. In some cases, employers top up UI maternity benefits to provide full pay while a woman is on maternity leave. Sometimes paid parental leave is available to either parent.

Some employers have informal policies allowing time off for family responsibilities.

You can check with your union representative or your employer's human resources department to see what you're entitled to.

## DO I HAVE THE RIGHT TO TAKE A LEAVE?

Your right to maternity or parental leave is covered by labour standards legislation. If your employer comes under federal jurisdiction — banks, transportation, communications, and some other companies — you're covered by the Canada Labour Code. Otherwise, you come under the employment standards laws of the province or territory in which you work.

If you work for the government, you're covered by a separate public service act of the federal government or of the province or territory which employs you.

In many cases, these public service acts don't provide maternity or parental leaves. But collective agreements covering federal, provincial, and territorial public servants provide for maternity, adoption, and sometimes other types of leave. Management employees, who are not covered by the agreements, usually are given the same rights as those provided in the collective agreement.

Details of legislation on maternity, paternity, and parental leaves are shown in Table 1, and in Table 2 in the centrefold spread.

## MATERNITY LEAVE

Except for the Northwest Territories, all provinces and territories as well as the federal jurisdiction provide a statutory right to unpaid maternity leave. All federal, provincial, and territorial public servants also have the right to maternity leave either through collective agreements or through the separate acts covering their employment.

To qualify for leave, you may have to have worked anywhere from six months to one year plus 11 weeks, depending on where you live. The norm is 12 months of continuous employment for the same employer.

The length of the leave is usually about 17 or 18 weeks. But for public servants, maternity leave varies from four months in Prince Edward Island, to 37 weeks in the federal public service.

Most maternity leave laws say you cannot be fired for being pregnant, but sometimes job protection only applies to workers who qualify for maternity leave. If you haven't worked for the employer for a full 12 months, for instance, you may be left unprotected.

Most jurisdictions require the employer to reinstate you in the same or a comparable position with the same salary and benefits when you return from maternity leave, but there's nothing in the laws to prevent an employer from firing you once you come back from maternity leave. If that happens, however, you may be protected through laws covering unjust dismissal.

Most laws on maternity leave specify how much notice you must give your employer. The law will also state when the leave must be taken. Usually, leave may begin from 6 to 11 weeks before the birth.

Under many provincial and territorial laws, employers have the right to require you to start your maternity leave if they can prove your pregnancy has materially affected your job performance. As an alternative, the law may also state that the employer can transfer you to a different job.

Some provinces and territories enforce a mandatory period of post-natal leave. You may have to produce a medical certificate if you want to return to work before this time is up.

## PATERNITY LEAVE

There are almost no legislative provisions for paternity leave in Canada, although fathers in Saskatchewan may take six weeks off around the birth of a child. As well, those who come under the Canada Labour Code may take parental leave.

Some collective agreements provide for paternity leave — usually one or two days off — when a child is born.

## PARENTAL LEAVE

The Canada Labour Code, covering employees under federal jurisdiction (but not federal public servants who are covered by their own separate act), now provides for 24 weeks of unpaid parental leave, available to either parent. This is in addition to the 17 weeks of maternity leave available only to the mother. If both parents want to take the parental leave, the combined total may not exceed 24 weeks.

Saskatchewan also provides six weeks of unpaid parental leave that can be taken in any combination during the three months surrounding the expected date of birth.

If you work for the federal government, you can get 26 weeks of unpaid parental leave and up to five years unpaid leave for the care and nurturing of a pre-school child.

## ADOPTION LEAVE

Only five provinces have laws providing the right to adoption leave. In some cases, only mothers are entitled to the leave. For adoptive parents under federal jurisdiction, the 24 weeks of parental leave provided in the Canada Labour Code may also be taken on the adoption of a child. All federal, provincial, and territorial public servants have the right to unpaid adoption leave.

Some collective agreements in the private sector also provide for adoption leave.

## LEAVE FOR FAMILY RESPONSIBILITIES

No jurisdiction yet provides a statutory right to leave for family responsibilities, although employees of the federal and several provincial and territorial governments now have the right to this kind of leave.

Few collective agreements include family responsibility leave.

Quebec labour laws provide for additional leave relating to pregnancy, such as leave if a miscarriage is threatened or if a baby is stillborn.

## BENEFITS FOR PARENTS

Generous unpaid leave provisions don't help lower-income workers who cannot afford to take much time off work. Replacement income during the leave is essential.

If you take maternity or adoption leave, you may be entitled to benefits under the Unemployment Insurance (UI) program. This is a social insurance program — you and your employer make contributions based on your earnings and that entitles you to claim benefits if your earnings are interrupted.

The criteria you must satisfy for UI benefits are not the same as the conditions you must meet to have the right to take time off.

## MATERNITY BENEFITS

Generally speaking, UI maternity benefits are available only to mothers — although in March 1988, the UI Act was changed to allow men to claim benefits if their wives die in childbirth or are otherwise unable to care for a newborn child.

You must have worked and contributed to UI for 20 weeks in the 52-week period before your claim.

If you qualify, benefits will be paid for 15 weeks, after a two-week waiting period during which you get nothing.

Your benefits will be equivalent to 60% of your usual earnings up to a weekly maximum. In 1988, the maximum weekly benefit is \$339.

Because of the two-week waiting period, 15 weeks of benefits must be spread over 17 weeks of leave. For women whose earnings are at or below the maximum weekly insured limit — and that means most women — 12 maternity benefits received amount to only 53% of what they would have earned during the 17-week period. Most women are thus faced with a 47% drop in income while they are on maternity leave.

UI rules prevent you from starting a maternity benefits claim during a strike.

If you've already made a claim for UI sickness benefits before starting on maternity benefits, your total benefit period from both claims may not exceed 15 weeks. For instance, if you claimed sickness benefits because you were off work as a result of illness early in the pregnancy, you won't be able to claim your full 15 weeks of maternity benefits. (To be eligible for two separate claims, you'd have to qualify for the second claim and that would mean working for another 20 weeks before claiming.) The same rules apply if you want to claim sickness benefits after you've made a maternity benefits claim.

If you earn more than a certain amount in the year (in 1988, the limit is \$44,070), you may be required to pay back part of the maternity benefits received when you file your income tax return.

TABLE 1 PATERNITY, ADOPTION, AND PARENTAL LEAVE AND LEAVE FOR FAMILY RESPONSIBILITIES\*

JURISDICTION	PATERNITY LEAVE	PARENTAL LEAVE	ADOPTION LEAVE	LEAVE FOR FAMILY RESPONSIBILITIES
Canada Labour Code	■ No provision	■ Up to 24 weeks unpaid after birth of child	■ Up to 24 weeks unpaid on adoption of child ■ Both parents employed in federal jurisdiction, combined total not to exceed 24 weeks	■ No provision
Federal Public Service	■ 1 day with pay on birth of child	■ 26 weeks unpaid after birth of child	■ 1 day with pay ■ 26 weeks unpaid on adoption of child ■ Both parents work for federal government, combined total not to exceed 26 weeks	■ Maximum of 5 days paid in any fiscal year (includes 2 consecutive days to care for sick family member, half-day to take family member to medical appointment, 1 day on birth of child if employee is male, and 1 day on adoption of child) ■ Not to be taken in conjunction with maternity leave ■ Up to 5 years unpaid for care and nurturing of pre-school child
Alberta Public Service	■ No provision	■ No provision	■ Up to 6 months unpaid on adoption of child ■ 1 day paid for adoption proceedings	■ Up to 2 paid days per calendar year for family illness
British Columbia Public Service	■ 1 day paid	■ No provision	■ 6 months unpaid, only one parent eligible	■ 10 days of "special leave" per year, not more than 2 consecutive days for illness of dependent child
Manitoba Labour Standards	■ 6 weeks unpaid	■ No provision	■ 17 weeks unpaid	■ No provision
Manitoba Public Service	■ 1 day paid	■ No provision	■ 1 day paid ■ Up to 17 weeks unpaid, available to male or female employees	■ Up to 5 days a year can be charged to sick leave
New Brunswick Public Service	■ 1 day paid	■ No provision	■ 17 weeks unpaid, available to male or female employees	■ No provision
Newfoundland Labour Standards	■ No provision	■ No provision	■ 17 weeks unpaid	■ No provision
Newfoundland Public Service	■ No provision	■ No provision	■ 23 weeks of unpaid "special leave", available to male or female employees	■ 3 days paid per year
Northwest Territories Public Service	■ 1 day paid	■ No provision	■ 30 weeks unpaid, up to 4 weeks before and no more than 26 weeks after ■ Combined total not to exceed 26 weeks if both parents are government employees	■ "Special leave" of half-day paid for each month worked, accumulated total not to exceed 25 days at any one time

This table lists only those jurisdictions providing these types of leave. While every effort has been made to ensure the information is accurate and up to date as of April 1988, you should contact your provincial or territorial ministry of labour, civil service commission, or trade union to verify leave provisions that may apply in your own case.

JURISDICTION	PATERNITY LEAVE	PARENTAL LEAVE	ADOPTION LEAVE	LEAVE FOR FAMILY RESPONSIBILITIES
Nova Scotia Labour Standards	■ No provision	■ No provision	■ Up to 5 weeks unpaid on adoption of child age 5 or under, only for mother	■ No provision
Nova Scotia Public Service	■ 1 day paid	■ No provision	■ 6 months unpaid on adoption of child age 5 or under ■ Both parents are government employees, only one may take the leave	■ 5 days paid per year
Ontario Public Service	■ No provision	■ No provision	■ Up to 17 weeks unpaid	■ No provision
Prince Edward Island Labour Standards	■ No provision	■ No provision	■ Up to 6 weeks unpaid on receipt of notice from child welfare agency, child 6 years or younger, for mother only	■ No provision
Prince Edward Island Public Service	■ No provision	■ No provision	■ Up to 4 consecutive months unpaid, available to either parent	■ No provision
Quebec Labour Standards	■ 2 days unpaid	■ No provision	■ 2 days unpaid for the father and/or mother if the employee is subject to Labour Standards Act	■ No provision
Quebec Public Service	■ 5 days paid after the mother and/or child goes home. Need not be taken continuously	■ 24 months unpaid for the father or mother, but cannot be shared ■ This leave may be shared and may be taken on a full- or part-time basis ■ Arrangement may be changed once in the 2 years	■ 10 weeks for the father or mother, but cannot be shared	■ No provision ■ However, 6 days sick leave may be taken as leave for family responsibilities ■ The clause regarding leave for just cause, emergencies, unforeseen circumstances may also be invoked, but employer must be convinced of the reasons cited
Saskatchewan Labour Standards	■ Up to 6 weeks unpaid, to be taken any time during the 3 months surrounding the birth	■ No provision	■ Up to 6 weeks unpaid	■ No provision
Saskatchewan Public Service	■ 6 months unpaid, to begin up to 6 weeks before expected date of birth	■ Up to 12 months unpaid "leave for personal reasons" can be used as parental leave	■ 6 months unpaid, available to male and female employees	■ Up to 5 days paid per year for pressing necessity, to be deducted from sick leave entitlement
Yukon Public Service	■ 26 weeks unpaid	■ If both parents are government employees, combined total of paternity and maternity leave not to exceed 26 weeks	■ 16 weeks unpaid, available to both parents, combined total not to exceed 16 weeks	■ Family illness leave up to 5 consecutive days paid ■ Medical or dental appointments for dependants, up to 2 days paid for travel ■ Total of "special leave" not to exceed 6 days paid per year

## HOW DOES CANADA COMPARE?

Most other industrialized countries, except for the United States, have much better provisions for maternity and parental leave than Canada does.

In terms of maternity benefit levels, a 1985 study for the Task Force on Child Care showed Canada ranks 22nd out of 23 countries in eastern and western Europe.<sup>2</sup> Even countries considered not as well off as Canada, such as Spain, Portugal and Italy, have better maternity benefit programs than does Canada. Fifteen countries pay maternity benefits of 90% to 100% of the employee's usual earnings, up to a weekly maximum, for periods ranging from six weeks to nine months.

Sweden's parental insurance program provides 29 days of maternity leave and 14 days of paternity leave, plus nine months of parental leave — available to either parent — all at 90% of usual earnings. There are another three months of parental leave during which a flat rate benefit is paid, as well as shorter working hours with no loss of pay for parents with young children and paid time off for employees with family responsibilities.

Many other countries, except for the United States, provide a right to paid leave for family responsibilities.

## WHAT NEEDS TO BE DONE?<sup>3</sup>

Both the right to leave and the right to benefits need to be extended to help parents with young children combine paid employment with their family responsibilities.

Provincial and territorial employment standards legislation and laws governing provincial public servants should be brought into line with the Canada Labour Code to provide 17 weeks of leave for mothers and a further 24 weeks for either parent.

The UI maternity benefits program should be extended so that the benefit periods match the provisions for unpaid leave in the labour codes. In addition to 17 weeks of maternity benefits, there should be another 24 weeks of parental benefits. (CACSWS recommendation)

1. Statistics Canada labour force data for 1987
2. Monica Tomlinson, "Paid Parental Leave Policies: An International Comparison with Options for Canada", in *Child Care: The Employer's Role*, Background Papers for the Report of the Task Force on Child Care, Series 4 (Ottawa: Status of Women Canada, December 1985)
3. Some of these proposals are official CACSWS recommendations. Others will be considered in the near future.
4. Various qualifying periods and written notice may be required for the different types of leave shown in Table 1. For more detailed information, contact your provincial ministry of labour, public service commission, or trade union.
5. Available to either parent unless otherwise specified.

The Canadian Advisory Council on the Status of Women (CACSWS) was established in 1973 as an independent organization funded by the federal government. The Council's mandate is to advise the government and inform the public on matters of concern to women.

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You can start your maternity benefits claim as early as eight weeks before the expected date of birth (confirmed by a medical certificate) but your benefit period must end within 17 weeks of the actual birth.

Even if your employer has required you to stop working prior to eight weeks before the expected date of birth, you still won't be able to claim benefits until eight weeks before.

Women whose babies are born prematurely and must remain in hospital will be helped by a March 1988 change to the UI Act allowing them to receive benefits for up to 17 weeks after the baby is released from hospital instead of 17 weeks from the date of birth.

## ADOPTION BENEFITS

When a family adopts a child, either the mother or the father may claim adoption benefits under UI. Even if the mother does not work outside the home, the father can still claim the benefits.

The other terms and conditions of adoption benefits are the same as those for UI maternity benefits.

## PARENTAL BENEFITS

There is no public program of parental benefits at the federal, provincial or territorial levels, although some trade unions have negotiated agreements providing fully-paid leave following the birth of a child. In some cases, benefits may be available to fathers as well as mothers.

## PAID LEAVE FOR FAMILY RESPONSIBILITIES

Workers who must take time off for family responsibilities usually have to use their own paid sick leave or paid vacation time, sometimes without disclosing to their employer the real reason for taking time off. In some cases, the right to use your own sick leave or vacation time for family emergencies is specifically provided for in the collective agreement.

Since women are still generally expected to care for dependent family members in emergencies, women workers with children often end up with less personal sick leave and vacation time than their colleagues.

Labour standards legislation for paid vacation time and paid holidays does not cover family responsibility leave.



# BECOMING A PARENT:

## MATERNITY LEAVE LEGISLATION BY JURISDICTION

While every effort has been made to ensure the information is accurate and up to date as of April 1988, you should contact your provincial or territorial ministry of labour, civil service commission, or trade union to verify leave provisions that may apply in your own case.



TABLE 2

### A GUIDE TO MATERNITY/ PARENTAL LEAVE AND BENEFITS IN CANADA

JURISDICTION	QUALIFICATION PERIOD	EXEMPTION	LENGTH OF LEAVE	CONDITIONS	RIGHTS OF EMPLOYER TO REQUIRE LEAVE	PREGNANCY-RELATED ILLNESS	EXTENSION OF LEAVE
Canada — mostly interprovincial companies	■ 6 months continuous employment completed	■ None	■ 17 weeks: up to 11 weeks before birth; up to 11 weeks after (plus time between expected and actual date of birth) ■ If no notice: still 17 weeks with medical certificate stating she is unable to perform duties (must be related to pregnancy) ■ Reinstatement in same or comparable position	■ Notice in writing 4 weeks before birth ■ Medical certificate certifying pregnancy and giving estimated date of birth ■ If no notice: still 17 weeks with medical certificate stating she is unable to perform duties (must be related to pregnancy) ■ Reinstatement in same or comparable position	■ An employee is not obliged to take early leave unless she is unable to perform an essential function of her job and no other suitable position is available	■ Protected under Div. VI (back hours) of the Canada Labour Code ■ Employees with three months continuous employment who are sick for up to 12 weeks cannot be dismissed because she is a mother or not the illness is related to pregnancy ■ Canadian Human Rights Commission has developed an equality of treatment policy	■ No provision for extension of pregnancy leave. Protected under Labour Code for up to 12 weeks sick leave ■ 24 weeks unpaid child care leave on birth or adoption of a child
Canada — Public Service	■ Appointed for 6 months or more or permanent employee	■ These provisions cover exempted employees (those who are not covered by the collective agreement) except for term employees or minister's staff	■ 37 weeks: up to 11 before, and 26 weeks after birth ■ Can apply for deferral	■ Notify the Deputy Head of at least 15 weeks in advance of the estimated date of delivery ■ May have to supply medical certificate ■ Reinstatement in same position with same salary and benefits	■ Nothing in the directive about early leave	■ Employee may use accumulated sick leave	■ May take extended leave at discretion of Deputy Head
Alberta — Labour Standards	■ 12 months continuous employment	■ None	■ 16 weeks: up to 12 weeks before and 6 weeks following the actual date of delivery, plus the time between the estimated and actual date of birth ■ May return before 6 weeks with medical certificate and agreement by employer	■ 2 weeks notice in writing to begin leave and to return to work ■ If no notice: leave only granted for medical reasons; certificate required date of birth ■ Reinstatement in same or comparable position with no less than same wages and benefits. Where operations have been discontinued this section applies for 12 months after end of leave	■ May require commencement of leave 12 weeks prior to expected date of birth where pregnancy interferes with performance of duties	■ No provision	■ 3 weeks extension for medical reasons
Alberta — Public Service (collective agreements)	■ 1 year of continuous service	■ None	■ 6 months	■ 2 weeks notice in writing ■ Reinstatement to former position or one in the same class in the same department	■ Department may determine commencement of leave unless a medical certificate is provided	■ May use casual, dress or general illness leave if prior to commencement of maternity leave	■ Can be extended for up to 3 months
British Columbia — Labour Standards	■ None	■ Specified professionals: certain categories of salespeople, students in certain approved work programs, students employed at school where they are enrolled, persons employed in a private residence solely to attend to a child, a disabled, infirm or other person, persons receiving income assistance while participating in an employment program, artists, musicians, performers or actors, student nurses	■ 16 weeks: up to 11 weeks before delivery, no less than 6 weeks after, leave may be shortened with a medical certificate	■ No time limit on notice ■ Medical certificate required ■ Reinstatement in former position or in a comparable one with all increments to wages and benefits	■ An employer may require an employee to commence leave if she is unable to perform her duties	■ B.C. Council on Human Rights has a policy on this subject	■ Lengthened with medical certificate — 6 consecutive weeks
British Columbia — Public Service (collective agreements)	■ An initial probationary period	■ None	■ 6 months: up to 11 weeks before delivery	■ 3 months advance notice ■ Reinstatement in former position or one of equal rank and salary	■ No provision	■ May use accumulated sick leave	■ Up to an additional 6 months for health reasons with presentation of a medical certificate
Manitoba — Labour Standards	■ 12 consecutive months prior to application for leave	■ None	■ 17 weeks: up to 11 weeks before birth	■ 4 weeks notice in writing ■ Medical certificate certifying pregnancy and giving expected date of birth ■ If no notice: still entitled to 17 weeks with medical certificate stating she is unable to perform normal duties due to medical conditions ■ Reinstatement in same or comparable position with at least the same wages and benefits ■ Employment considered continuous	■ No right to determine when leave is to begin unless the employer can prove cause	■ No provision for additional leave	■ Extension beyond 17 weeks when delivery occurs after the estimated date
Manitoba — Public Service (collective agreements)	■ 9 consecutive months of continuous employment	■ None	■ 20 weeks	■ Notice in writing 4 weeks before the estimated date of start of leave ■ Medical certificate required ■ Reinstatement in the same or comparable position with the same wages and benefits	■ No provision	■ No provision, although employee may use 10 days accumulated sick leave during waiting period of unemployment insurance benefits	■ Can be extended, at employer's discretion, with a medical certificate
New Brunswick — Labour Standards	■ None	■ Domestic workers, farm workers	■ 17 weeks: up to 11 weeks before birth	■ Medical certificate required ■ Notice 4 months before expected date of birth, 2 weeks notice of actual date of leave ■ Reinstatement in same or equivalent position with no loss of pay, seniority, or benefits accrued up to start of leave	■ May not refuse to employ a person because of pregnancy ■ Employee may be required to commence leave if duties cannot reasonably be performed by pregnant woman and no alternative employment is available	■ No clear reference	■ No provision
New Brunswick — Public Service (collective agreements)	■ None	■ None	■ 3 months: up to 2 months before delivery	■ 3 months advance notice ■ Reinstatement same as labour standards	■ Same as about standards	■ No provision, although employee may use 10 days accumulated sick leave during waiting period of unemployment insurance benefits	■ This period may be extended with the presentation of a medical certificate
Newfoundland — Labour Standards	■ 12 months continuous employment with the same employer immediately preceding estimated date of birth	■ Employees who are qualified in or training in certain prescribed occupations, many professions	■ 17 weeks: up to 11 weeks before birth, 6 weeks after, plus time between expected and actual date of birth ■ Medical certificate certifying pregnancy and giving expected date of birth ■ Reinstatement with nothing less beneficial than the wages, duties, benefits, and position at the beginning of leave	■ Notice to employer of estimated birth date no later than 15 weeks before that date ■ Medical certificate certifying pregnancy and giving expected date of birth ■ Reinstatement with nothing less beneficial than the wages, duties, benefits, and position at the beginning of leave	■ No provision	■ No provision	■ Difference between expected and actual date of birth may be additional to the 17 weeks ■ Length of leave may be varied by mutual agreement between employer and employee
Newfoundland — Public Service (collective agreements)	■ Permanent employees	■ None	■ 33 weeks: starting date to be negotiated with employer	■ Reinstatement to same position with same salary and benefits	■ No provision	■ Can use sick leave entitlement for pregnancy-related illness	■ No provision
Northwest Territories — Public Service	■ Permanent employees	■ None	■ 37 weeks: must commence 11 weeks before birth, unless medical certificate	■ 15 weeks notice of expected date of delivery ■ Reinstatement in same position with no loss of salary or benefits	■ No provision	■ Increased leave with medical certificate if employer agrees	■ Can be extended for medical reasons with certificate
Nova Scotia — Labour Standards	■ 12 months continuous employment	■ Domestic servants, practitioners, students in certain fields, professionals, teachers	■ 17 weeks: up to 11 weeks before birth, 6 weeks after. Less with medical certificate	■ Notice not mentioned ■ Medical certificate specifying expected date of birth ■ Guaranteed resumption of work ■ No loss of benefits or seniority	■ May require leave to commence when duties cannot reasonably be performed by a pregnant woman or if performance of work is materially affected, from 11 weeks before delivery	■ No provision	■ No provision

JURISDICTION	QUALIFICATION PERIOD	EXEMPTION	LENGTH OF LEAVE	CONDITIONS	RIGHTS OF EMPLOYER TO REQUIRE LEAVE	PREGNANCY-RELATED ILLNESS	EXTENSION OF LEAVE
Nova Scotia — Public Service	■ At least 1 year of service. Leave at discretion of employer if less than 1 year	■ None	■ 6 months: minimum of 7 weeks after birth. May return sooner with medical certificate	■ No notice ■ Entitled to same position after leave with no loss of seniority or benefits	■ May require leave to commence where pregnancy interferes with performance of duties	■ Long-term disability coverage available outside 6 months leave period	■ No provision
Ontario — Labour Standards	■ 12 months and 11 weeks immediately preceding estimated date of delivery	■ Students in certain approved work programs, inmates of provincial correctional institutions, offenders performing work under court orders	■ 17 weeks: up to 11 weeks before birth, no less than 6 weeks after without a medical certificate	■ 2 weeks notice in writing ■ Medical certificate giving date of birth ■ If no notice: retroactive notice and a medical certificate must be provided within 2 weeks of commencement of leave ■ Reinstatement in same or comparable work with same salary ■ No reinstatement after layoffs and discontinued position in a comparable position	■ May be asked to commence leave if the performance of work materially affected	■ For purpose of pregnancy leave provision, "pregnancy" includes any medical condition related to a pregnancy	■ No provision
Ontario — Public Service	■ More than 1 year of service	■ None	■ 17 weeks: up to 11 weeks before birth, at least 6 weeks after birth. May return earlier with medical certificate, and 1 week notice	■ No notice ■ Reinstatement in former position and will be paid at the same salary level as before leave	■ May be required to start leave if pregnancy interferes with satisfactory performance of duties	■ No provision	■ Up to 6 months unpaid, available only to mothers
Prince Edward Island — Labour Standards	■ 12 months continuous employment	■ Farm labourers	■ 17 weeks: up to 11 weeks before estimated date of birth, not less than 6 weeks after ■ When actual date of birth is still past estimated, employee is still entitled to 6 weeks post-natal leave ■ Leave may be shortened at request of employee	■ 4 weeks notice ■ Medical certificate specifying expected date of birth ■ Reinstatement in same or comparable position with no loss of benefits or wages	■ Employee may require employee to begin leave not more than 3 months before the estimated date of birth, onus of proof is on the employee ■ May not dismiss, layoff, or suspend an employee because she is pregnant, temporarily disabled, applied for leave	■ No provision	■ Date later than expected, still entitled to 6 weeks post-natal
Prince Edward Island — Public Service (collective agreements)	■ None	■ None	■ 4 months	■ Does not affect accumulated sick leave or vacation credits	■ No provision	■ If premature, special leave may be considered ■ May use up to 10 days accumulated sick leave during waiting period for unemployment insurance benefits	■ For personal reasons, up to 2 years
Quebec — Labour Standards	■ 10 weeks in the 12 months immediately preceding date of leave; employee must be working for employer the day preceding the leave application or notice ■ Employee is considered employed during a strike or lockout	■ Farm labourers on farms with 3 employees or fewer, employees providing home care for children, the sick, the elderly, the disabled, students employed in a job induction program	■ 16 weeks: up to 16 weeks before the expected date of birth, no less than 2 weeks after without a medical certificate ■ Leave may be extended the difference between expected and actual date of birth when the actual date is later, does not apply if 2 weeks leave remains	■ Employee is required to give notice in writing 3 weeks before expected date of birth and provide medical certificate. At the time, she must also indicate expected date of return to work ■ Employee is required to give 2 weeks notice of return to work if she intends to extend her leave. If extension date not meet statutory requirements, the employee loses her job security	■ At 6 weeks before the expected date of birth, employer may require the pregnant employee to produce medical certificate showing she is fit to work. If not produced in 8 days, the employer may require employee to take maternity leave immediately. This must be done in writing, giving reasons. The onus of proof is on the employer	■ If there is a risk of miscarriage or to health of mother or child, employee is entitled to a special maternity leave as prescribed by medical certificate — if so, leave provided as of beginning of 8th week preceding delivery ■ Legal abortion or spontaneous miscarriage takes place before 20th week preceding expected delivery, employee entitled to maternity leave not in excess of 3 weeks ■ 20th week preceding delivery date, maternity leave ends at latest 5 weeks after childbirth	■ Regular leave may be extended up to 6 weeks for reasons of health of mother or child, a medical certificate must be provided ■ Employee who fails to return on established date is presumed to have quit
Quebec — Public Service (collective agreements)	■ 20 weeks, but generally only available to permanent employees	■ None	■ 20 weeks	■ Notice in writing with medical certificate 2 weeks before expected date of birth ■ Reinstatement to former position ensured under agreement	■ Employee may not require employee to begin maternity leave before elected date	■ If stillborn birth occurs after start of 20th week preceding expected delivery date, employee entitled to full leave ■ Risk of termination of pregnancy leave may be taken at any time with medical certificate, but not counted as maternity leave unless members entitled to 4 days or 8 half-days paid for medical consultation during pregnancy	■ No provision
Saskatchewan — Labour Standards	■ 12 months continuous employment	■ Employees in farming, ranching or market gardening	■ 18 weeks: up to 12 weeks before expected date of birth, at least 6 weeks after return unless if agreeable (employer must be given 2 weeks notice of return)	■ 4 weeks notice ■ Medical certificate certifying pregnancy and giving expected date of birth ■ Where no application made, total leave 14 weeks, not less than 6 weeks post-natal ■ Reinstatement in same or comparable position with no less than same wages and benefits	■ May require leave to begin not more than 3 months before estimated date of birth if pregnancy interferes with performance of work. Onus of proof is on employer ■ Employee cannot dismiss, lay off, suspend, or otherwise discriminate because the employee is temporarily disabled due to pregnancy, a pregnant, or has applied for leave	■ No provision	■ 6 weeks extension for medical reasons (with medical certificate)
Saskatchewan — Public Service (collective agreements)	■ 9 consecutive months of employment	■ None	■ 12 months: to begin at least 6 weeks before expected date of birth	■ 1 month notice plus medical certificate ■ Reinstatement in same position	■ Employee may require the employee to take leave not to exceed 2 months immediately prior to the estimated confinement date and/or 2 months immediately subsequent to the date of birth where the pregnancy of an employee and/or the requirements of post-natal care would reasonably interfere with the performance of her duties	■ No provision	■ May be extended for further 12 months under provisions for "leave for personal reasons"
Yukon	■ 12 months continuous employment	■ None	■ 17 weeks	■ Notice in writing at least 4 weeks before leave ■ Medical certificate giving estimated date of birth ■ If no notice or if pregnancy is terminated, up to 6 weeks without pay is granted ■ Reinstatement in same or comparable position; same wages and benefits	■ May require leave at any time within period of 6 weeks preceding probable date of birth where pregnancy interferes with performance of duties	■ No provision	■ No provision
Yukon — Public Service	■ 12 months continuous employment	■ None	■ 37 weeks: up to 11 weeks before expected date of birth	■ 15 weeks notice of expected date of delivery ■ Notice of intention to return to work within 2 months of birth ■ 1 week notice of actual date of return	■ No provision	■ No provision	■ Can be extended with medical certificate